

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JIMMY MARK APPLEMAN, #334182 §
VS. § CIVIL ACTION NO. 9:06cv251
DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 26, 2009, Petitioner Jimmy Mark Appleman, a prisoner confined in the Texas prison system, brought this Rule 60(b) motion asking this Court to vacate its December 5, 2008, judgment dismissing his petition for a writ of habeas corpus as time-barred. The Court referred the motion to United States Magistrate Judge Judith K. Guthrie.

The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this motion. The Report recommended denying the motion as a successive § 2254 motion. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Petitioner's Rule 60(b) motion is **DENIED**; and

ORDERS that all motions not previously ruled on are denied.

So **ORDERED** and **SIGNED** this **25** day of **September, 2009**.



Ron Clark, United States District Judge